



Australian Government



Eligibility, Referral and Commencement Guidelines

V 1.10

Disclaimer

This document is not a stand-alone document and does not contain the entirety of Disability Employment Services providers' obligations. It should be read in conjunction with the Disability Employment Services Grant Agreement and any relevant Guidelines or reference material issued by the Department of Social Services under or in connection with the Disability Employment Services Grant Agreement.

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Document Change History

Version	Effective Date	End Date	Change & Location
1.10	1 November 2024		Amendment: Updated to include information on a warm handover meeting at the initial interview for participants transitioning from Parent Pathways to DES.
1.9	1 April 2023		Policy: Clarified how long an ESAt is valid for in relation to period of service (p6).
1.8	1 January 2023	31 March 2023	Amendment: Updated to include further information on the Pre-Release Prisoner initiative and information on the Time to Work Employment Service program.
1.7	1 July 22	31 December 2022	Formatting: Removed Privacy Consent form – now a standalone version. Terminology: Updated ‘jobactive’ references to ‘Workforce Australia’.
1.6	17 Dec 21	30 Jun 22	Policy: Clarified that evidence required by non-allowee NDIS Participants is their NDIS Letter of Access, and the statement required of non-allowees undertaking a Program of Support. Included information about how ESAts for non-allowees should be requested by email. Policy: Noted that from 1 January 2022, some job seekers who are eligible for DES may be offered a digital online service before they are referred to DES.
1.5	1 Jul 21	16 Dec 21	Policy: Revised eligibility criteria precluding commencement in the DES program of people who are non-allowees (except for defined cohorts) or assessed as able to work 30+ hours per week. Narrative: Revised structure of eligibility, referral and commencement information.
1.4	14 Sep 20	30 Jun 21	Clarification: Amended to clarify that auto commencement can also be triggered if the Job Plan is agreed to online by the participant if other conditions required for commencement are met.
1.3	9 Mar 20	13 Sep 20	Narrative: Various Department name changes
1.2	3 Dec 18	8 Mar 20	Policy: Updated Privacy Consent Form (now located on the Provider Portal) in line with amendments to the DES 2018 Grant Agreement under Direction No. 2. Terminology: Amendments made to reflect changes in the DES Grant Agreement - Direction 2 Terminology: ‘Electronic Calendar’ replaces ‘Electronic Diary’. Added information on Pre-release Prisoners. Formatting: Throughout guideline
1.1	10 Sep 18	2 Dec 18	Revised and updated the Disability Employment Services Privacy Consent Form, participant Declaration and Disability Employment Services provider Declaration; updated terminology in line with amendments to the Grant Agreement under Direction No. 2 and corrected some formatting and grammatical issues.
1.0	1 July 18	9 Sep 18	Original version.

Background

These Guidelines specify Disability Employment Services (DES) Program providers’ (hereon referred to as ‘provider’) responsibilities and required actions for confirming eligibility, receiving Referrals and Commencing a job seeker in DES.

Relevant Disability Employment Services Grant Agreement clauses

Clause 81 – Specialist Service Providers

Clause 85 – Referrals

Clause 87 – Direct Registration of Participants without a Referral

Clause 91 – Appointments with Participants

Clause 92 – Initial Interview

Clause 93 – Contact services

Annexure A – Definitions

Reference documents relevant to this guideline

- Direct Registration Guidelines
- Job Plan and Setting Mutual Obligation Requirements Guidelines

Explanatory notes

- All capitalised terms have the same meaning as in the *Disability Employment Services Grant Agreement*.
- In this document, ‘must’ means that compliance is mandatory and ‘should’ means that compliance represents best practice.

Eligibility

Overview

This section of the *Eligibility, Referral and Commencement Guidelines* provides an overview of eligibility criteria for DES. It explains general eligibility criteria, as well as eligibility criteria for specific job seeker groups. It also outlines the role of the Employment Services Assessment (ESAt) or Job Capacity Assessment (JCA) in determining job seeker eligibility and provides eligibility criteria for ESAt/JCA exempt groups.

Providers must confirm a job seeker's eligibility for DES Program Services before Commencement, regardless of how the job seeker presents at the provider's site.

Note: From 1 January 2022, Services Australia may offer some job seekers who are eligible for DES the option to undertake up to twelve months of online services, before commencing their DES service.

Eligibility for DES

DES eligibility requirements apply at the time of a job seeker's Referral and must be checked by the provider before the job seeker is Commenced in the program. Once a job seeker has Commenced as a DES participant, their eligibility is not tested and in most instances participants who cease to meet eligibility requirements are not exited from DES. A Commenced participant can usually receive DES services for the duration of their current Period of Service (see the *DES Period of Service Guidelines*).

Note: Providers should not exit, or refer for a new ESAt, a Commenced participant because they are listed on the Department's IT Systems as ineligible for DES. Changing circumstances may result in a participant becoming ineligible for a new DES referral after commencing their DES program, but this does not make them ineligible to continue receiving support in their current DES Period of Service.

Role of the ESAt/JCA in determining eligibility

Unless exempt (see below), a job seeker must have a Valid ESAt or JCA recommending DES before they can be Commenced in the program. An ESAt is an assessment conducted by Services Australia to:

- confirm a person's disability, injury or health condition;
- identify a person's vocational and non-vocational barriers to finding and maintaining employment, and relevant interventions to overcome these barriers;
- determine the person's work capacity and ongoing support needs;
- make a recommendation to an appropriate service; and
- make a Referral of the person to a provider of the appropriate service.

A JCA provides the same assessment but also considers a person's eligibility for the Disability Support Pension (DSP). In these Guidelines, reference to an ESAt includes a JCA, unless otherwise specified.

A Valid ESAt is one that has been finalised within the previous two years and contains a recommended Referral to either the DES-Employment Support Service (DES-ESS) or the DES-Disability Management Service (DES-DMS). A DES provider can only Commence an eligible job seeker if they have a Valid ESAt with a recommended referral to the service the DES provider is contracted to deliver.

Note:

An ESAt is Valid for only one complete Period of Service. A Period of Service starts when a participant commences DES and:

- is *completed* when the participant exits after completing at least a 26 week Employment or Education outcome or after completing at least 18 months (78 weeks) of Employment Assistance; or
- is *ended* 13 weeks after the participant exits prior to completing their Period of Service.

Ended Period of Service

If a non-Work Assist participant Exits DES before completing their Period of Service, they can resume their current Period of Service within 13 weeks. If the participant wishes to return to DES more than 13 weeks after exiting an incomplete Period of Service, their existing ESAt referral can be used to commence a new Period of Service, while the

ESAt remains Valid.

Completed Period of Service

If a non-Work Assist participant completes their DES Period of Service, the initial ESAt cannot be used to commence the participant in a new DES Period of Service. A New ESAt/JCA is required to determine whether the person still requires support from a non-Work Assist DES program, following the significant assistance provided during the participant's completed Period of Service.

As defined in the DES Grant Agreement, a New ESAt is an ESAt conducted as a Program Review, a subsequent ESAt during the participant's Extended Employment Assistance, or an ESAt conducted after the job seeker's exit from DES. For more information, refer to Clause 139.4 of the DES Grant Agreement and Attachment A of the *Program Review, Program Summary and Exits Guidelines*.

Where a New ESAt has been conducted as a Program Review after a non-Work Assist participant completed 78 weeks of Employment Assistance, and the Program Review recommended referral to DES, the provider may:

- supply the participant with Extended Employment Assistance for a further 26 weeks; and
- where required, Commence the participant in a new non-Work Assist Period of Service if the participant subsequently exits DES (while the New ESAt remains Valid).

ESAt Exempt Job Seekers

The following specific job seeker groups do not require an ESAt or JCA referral, and can be Commenced if they meet general DES eligibility requirements and the specific eligibility requirements set out in the relevant Guidelines:

- Eligible School Leavers (ESL) – refer to the *Eligible School Leaver Guidelines*;
- Special Class Clients (SCC) [*DES-DMS only*] – refer to the *Direct Registration Guidelines*; and
- Work Assist participants - refer to the *Work Assist Guidelines*.

General eligibility requirements

A job seeker is eligible for DES if they:

- have a disability, injury or health condition;
- are aged at least 14 years but have not yet attained the Age Pension qualifying age;
- are at or above the minimum legal working age in their state or territory;
- have a future work capacity with intervention of at least eight hours per week;
- are an Australian resident;
- are not studying full time, unless the job seeker is an ESL; and
- are not working at or above their Employment Benchmark hours (not applicable for Work Assist participants, supported employment undertaken by National Disability Insurance Scheme (NDIS) participants, and/or participants in the Disability Employment Continuity of Support program).

Additionally, from 1 July 2021 a job seeker must:

- have a future work capacity with intervention of less than 30 hours per week; and
- be in receipt of an income support payment, except where the job seeker is:
 - ESAt/JCA exempt (Eligible School Leaver, Special Class Client or Work Assist);
 - a current NDIS participant;
 - a Pre-Release Prisoner; or
 - undertaking a DES program to satisfy Program of Support requirements.

Information about how these eligibility requirements are checked is set out below.

Disability, injury or health condition

A job seeker's eligibility for DES due to disability, injury or health condition is normally determined by an ESAt based on available certified medical evidence. For job seekers who are ESAt/JCA exempt, providers must confirm the job seeker's disability, injury or health condition as described in the Guidelines for the relevant cohort as set out above.

DES helps people to overcome barriers related to disability, injury or a health condition and to remediate those conditions where possible. If a participant's circumstances are sufficiently improved that their recommended service is updated to another employment service in a 'change of circumstances' ESAt, the participant can choose to transfer to the alternative service, but can also choose to remain in DES until the end of their current Period of Service.

Age

The Department's IT Systems will confirm that a job seeker is of working age at the time of the job seeker's Referral or Commencement in DES.

Participants who reach Age Pension qualifying age while Commenced in DES can complete their current Period of Service (including Extended Employment Assistance if required). They can complete Outcomes, and the provider can claim associated Outcome fees. They can also receive Ongoing Support, if required, for as long as needed.

Work Capacity

A job seeker's capacity for work is normally determined by an ESAt or JCA based on available certified medical evidence. The assessed work capacity also determines their Employment Benchmark.

Job seekers with a "Capacity for work within 2 years with Intervention: 0-7 hours per week" in the 'Work Capacity' field of the ESAt/JCA are generally ineligible for DES. However, a job seeker with 0-7 hours work capacity is eligible for DES if they:

- are assessed as being able to work more than eight hours, and
- are suitable to be placed in Ongoing Support, and
- have an accompanying note in the 'Recommendation' field of the ESAt/JCA Report stating "The client can achieve 8+ hours per week with DES Ongoing Support".

Note: See **Attachment A** - DES TRWC 0-14 and PCW 0-14 provider Action Matrix for more information.

If a new ESAt determines that a current DES participant is no longer capable of working eight hours per week, even with the ongoing support of their provider, the participant must be exited from DES. This is one instance where updated circumstances can end a participant's Period of Service early.

For Eligible School Leavers and Special Class Clients, who are ESAt/JCA exempt, providers are responsible for assessing whether the job seeker has the capacity to work at least eight hours a week within two years of Commencing in DES with the assistance of the DES provider. Refer to the relevant Guidelines for further information.

Job seekers are eligible for Work Assist only if they have been working for at least eight hours per week and require assistance to continue working at their normal hours of employment.

Job seekers with an assessed work capacity of 30 or more hours per week are ineligible to commence a DES period of service from 1 July 2021, but current participants with this work capacity can complete their existing Period of Service and can continue to receive existing Ongoing Support.

Australian Residency

To be eligible for DES a job seeker must be an Australian resident. An Australian resident is a person who resides in Australia and is one of the following:

- an Australian citizen; or
- the holder of a permanent resident visa; or
- a Special Category Visa holder (SCV) who is a protected SCV holder.

New Zealand citizens living in Australia who have not been granted permanent residency are generally holders of protected or non-protected SCVs. A New Zealand citizen is a protected SCV holder, and therefore eligible for DES, if he or she:

- was in Australia on 26 February 2001 as a SCV holder; or
- was outside Australia on 26 February 2001, but was in Australia as a SCV holder for a total of 12 months in the two years prior to that date, and subsequently returned to Australia; and

- has a certificate issued under the *Social Security Act 1991* stating that they were residing in Australia on a particular date (these certificates are no longer issued).

New Zealand citizens who do not meet these requirements (e.g. they arrived in Australia after 26 February 2001) are non-protected visa holders and therefore are ineligible for DES.

Additionally, from 1 July 2014 eligible job seekers who are not permanent residents can access DES-ESS (but not DES-DMS) if they hold either:

- a Temporary Protection Visa (TPV); or
- a Safe Haven Enterprise Visa (SHEV).

Job seekers who are studying

Providers are responsible for checking whether a job seeker is a studying on a full-time basis.

Full-time students are generally ineligible to Commence in DES, except as Eligible School Leavers.

Where a job seeker with Mutual Obligation Requirements or participation requirements who is Referred to the provider by Services Australia declares they are studying full-time, the provider should ask the job seeker if they have notified Services Australia of their full-time study.

- If Services Australia has been notified, the job seeker meets the eligibility requirement, as Services Australia has determined that the job seeker must participate in DES.
- If the job seeker has not notified Services Australia, they should be referred back to Services Australia to discuss their circumstances.

Job seekers who are undertaking part-time study may be eligible to Commence in DES provided they are looking for work and meet all other eligibility criteria.

Employment Benchmark hours

Providers are responsible for checking whether a job seeker is already working at their Employment Benchmark hours at Commencement. When determining whether a job seeker is working at or above their Employment Benchmark hours, the DES provider should consider the hours that the participant normally works in their job, discounting periods of leave or recently reduced/increased hours. Job seekers who are already working at a level defined as being an appropriate outcome through DES are considered ineligible as they are unable to benefit from DES.

If a job seeker is commenced before the provider becomes aware of the employment conditions, the placement is considered Pre-Existing Employment and the provider is ineligible to claim any Outcome Fee for that placement under paragraph (x) of the definition of Non-Payable Outcome in the DES Grant Agreement.

A participant working below their Employment Benchmark at the time of commencement in DES can achieve an outcome by increasing their employment hours to their Employment Benchmark while in DES. Refer to the *DES Outcome Guidelines* for further information.

Note: A DES provider should keep documentary evidence to support their decision.

Eligibility from 1 July 2021

Job seekers with a 30+ hour work capacity

From 1 July 2021, job seekers are not eligible to commence a DES program if they have in the 'Work Capacity' field of the ESAt/JCA either:

- "Baseline Work Capacity: 30+ hours per week"; or
- "Capacity for work within 2 years with Intervention: 30+ hours per week".

These job seekers with a higher capacity for work are eligible for support through other employment services. The Department's IT Systems will not allow these job seekers to be Commenced in DES.

Any participant who commenced DES with these assessed capacities before 1 July 2021 can continue their current Period of Service or Ongoing Support, and fees may be claimed for these participants as they fall due.

Job seekers not in receipt of an Income Support Payment

From 1 July 2021, job seekers must normally be in receipt of an Income Support Payment to be eligible for DES. Job seekers who are not in receipt of an Income Support Payment or pension (non-allowees) may commence a DES-ESS or DES-DMS program if they are:

- ESAt/JCA exempt (Eligible School Leaver, Special Class Client or Work Assist); or
- have a Valid ESAt/JCA and are within one of the following cohorts:
 - a current NDIS participant;
 - a Pre-Release Prisoner; or
 - undertaking a DES program to satisfy Program of Support requirements.

If a non-allowee requires an ESAt to confirm their eligibility for DES, the provider should email a request for an assessment to FOCUS.RESPONSE.TEAM@servicesaustralia.gov.au, and should include a note that the non-allowee may be eligible for DES as they are potentially eligible for DES as an NDIS participant, Pre-Release Prisoner or person undertaking a Program of Support (as appropriate). Services Australia may otherwise decline to conduct the ESAt, as non-allowees are generally ineligible for DES from 1 July 2021.

Services Australia may still decline to undertake an assessment if it determines a non-allowee who advised they are required to undertake a Program of Support has not in fact submitted a claim for DSP, or has had their DSP claim rejected.

NDIS participants

A non-allowee is eligible to commence as a current NDIS participant where:

- the provider has and retains a copy of the non-allowee's NDIS letter of access, showing the non-allowee is receiving supports under the NDIS;
- the provider records that the non-allowee is an NDIS participant in the Special Placement section of the job seeker Eligibility screen; and
- the job seeker meets other DES eligibility requirements, including a Valid ESAt referral.

NDIS participants can usually obtain a copy of their NDIS letter of access by printing it from the NDIS portal to share with the DES provider. Non-allowees who are unable to access their letter from the portal can send a request to INFORMATION.ACCESS@NDIS.gov.au using the subject line 'Proof of eligibility required for DES participant', proving their identity by including 3 or more of their:

- Full name;
- Date of birth;
- Residential address; and
- NDIS Reference Number.

NDIS participants can also request their letter using a web form at ndis.gov.au/about-us/policies/access-information/participant-information-access-request, but requests using this form may take up to 28 days to be answered.

Pre-Release Prisoners

A non-allowee is eligible to commence as a Pre-Release Prisoner where:

- they meet the below Pre-release Prisoner initiative eligibility criteria;
- the provider records that the non-allowee is a Pre-Release Prisoner in the Special Placement section of the job seeker Registration screen; and
- the job seeker meets other DES eligibility requirements, including a Valid ESAt referral.

Program of Support

A non-allowee is eligible to commence as a person undertaking a Program of Support where:

- the provider has and retains a signed statement or email by the non-allowee that they submitted a claim for the Disability Support Pension (DSP) and were advised by Services Australia that their DSP claim could not be

- finalised until they undertake a Program of Support;
- the provider records that the person is undertaking a Program of Support in the Special Placement section of the job seeker Eligibility screen; and
- the job seeker meets other DES eligibility requirements, including a Valid ESAt referral.

Non-allowee participants who commenced DES before 1 July 2021 can continue their current Period of Service or Ongoing Support, and fees may be claimed for these participants as they fall due.

More information about the registration of non-allowees within these cohorts is available from the Direct Registration Guidelines.

Specific job seeker groups

Workers Compensation Recipients

Job seekers who are receiving workers compensation payments are generally considered to be employed and are therefore ineligible for DES unless they are required to participate in DES as a condition of receiving their Income Support Payment from Services Australia.

From 1 July 2021, these job seekers are ineligible to commence DES if they are not in receipt of an allowance.

Job seekers who receive NDIS funding

Unless they are undertaking School Leaver Employment Supports (SLES), job seekers who are receiving NDIS supports are eligible to commence a DES program if they meet other DES eligibility requirements, including that they are assessed in an ESAt as being able to work at least eight hours per week in open employment. SLES participants are eligible to commence DES only within six months of the intended SLES completion date, and do not require a Valid ESAt referral. NDIS participants using Supports in Employment funding in their plan (for instance, in an Australian Disability Enterprise) are not required to cease this employment while they are participating in DES.

From 1 July 2021, non-allowees who are current NDIS recipients are eligible for DES if they meet other eligibility requirements. The person can be commenced only where the provider has Documentary Evidence the person is receiving NDIS support in the form of the person's NDIS Letter of Offer, and has recorded that the person is an NDIS participant as a Special Placement on the job seeker's Registration screen.

Pre-Release Prisoners (PRPs)

The Pre-release Prisoners (PRP) initiative provides access to employment services to sentenced, adult prisoners who have been referred to an employment services provider by a state or territory corrective services agency prior to their release from prison. PRP policy in DES aims to maximise employment opportunities for people leaving prison and reduce their reliance on welfare by improving their job search skills and building connections with employers at the earliest opportunity.

To be eligible to Directly Register for DES under the PRP initiative, prisoners or detainees must be:

- in the final 12 months of their sentence,
- approved by corrective services or youth justice case managers,
- aged 15 years and over
- referred to a DES provider by state or territory corrective services agency or youth justice services, and
- licensed, or able to be licensed, by corrective or youth justice services case managers for day release or partial release to engage in paid work when an employment opportunity arises.

This means that prisoners in states and territories or prisons where day or partial day release for paid work is unavailable will be unable to participate.

Referrals of PRPs are made by corrective and youth justice services. Providers should establish links with corrective or youth justice services in the state or territory where they deliver DES so they are ready to receive referrals. Once a

prisoner or detainee is referred to a provider for the PRP, the provider must check their eligibility and if eligible complete a Registration in the Department's IT System (refer to the *Direct Registration Guidelines*). If the prisoner is not eligible the provider must advise the relevant state or territory corrective or youth justice service.

Prisoners eligible for the PRP are eligible for DES even while they are not on an Income Support Payment. Participants in the PRP receive the same level of Services available to any other DES participant. Participants in the PRP initiative do not have Mutual Obligation requirements.

Time to Work Employment Service (TWES)

Aboriginal and Torres Strait Islander prisoners who are between one and four months from their earliest possible release date may be eligible for the Time to Work Employment Service (TWES). TWES is a national, voluntary in-prison employment service for Aboriginal and Torres Strait Islander people. The service offers eligible prisoners assistance while they are in prison to help them prepare for employment on their release and connect them to post-release employment services providers, including DES providers, where possible. Participants receive the Job Seeker Classification Instrument assessment to determine their level of disadvantage in the labour market, an Employment Services Assessment to identify vocational and non-vocational barriers to employment, a Transition Plan to capture their skills, experience and aspirations as well as practical information about arrangements after release and a facilitated transfer to their post-release employment services provider, where possible.

To assist the TWES participant's move to DES, once a participant has been referred to a DES provider by Services Australia, the TWES provider must organise a facilitated transfer meeting with the DES provider and TWES participant, where possible, before the TWES participant's release from prison. DES providers should work collaboratively with TWES providers and must attend the facilitated transfer meeting, in person or by telephone, and explain the services that will be available to the participant when they commence in DES. DES providers will need to schedule/block out time in their Electronic Calendar for a facilitated transfer meeting with the participant and TWES provider.

At the facilitated transfer meeting the TWES provider will introduce the participant and discuss and provide a copy of the participant's Transition Plan, which will outline actions to help address any barriers the participant will face following their release from prison and detail their plan for employment. Where possible, the staff member who will be servicing the participant under DES should attend the meeting.

For more information about TWES, please refer to the Time to Work Employment Service information sheet on the provider portal at: Provider Portal > DES > DES Guidelines and Supporting Documents > Specific Client Groups.

The Time to Work Employment Service will cease on 30 June 2023.

Parent Pathways Participants

The Australian Government's voluntary Parent Pathways service provides early intervention pre-employment support to parents of young children (aged under 6 years) to help them work towards and achieve goals to improve their future economic security.

Participants who are transitioning from Parent Pathways to Disability Employment Services may choose to have a Warm Handover meeting as part of their Initial Interview with their Disability Employment Services Provider. The Participant is responsible for advising their Parent Pathways Mentor of the details of the Initial Interview appointment with their Provider.

Warm Handovers are optional for Participants and are intended to improve the continuity of support for the Participant by the Provider tailoring support that takes account of, and builds on, the Participant's achievements and progress in Parent Pathways.

Parent Pathways Participants must be assisted to prepare a Job Plan. The Job Plan must meet the requirements outlined in the *Job Plan and Scheduling Mutual Obligations Requirements Guidelines*. In addition, Providers are required to ensure the Job Plan and suitable Activities (identified in line with the *Activities Management Guidelines*), take account of the details of the Participant's Parent Pathways Goal Plan (where the Goal Plan is shared by the Participant), and/or details of any advice provided by the Participant and the Parent Pathways Mentor about the Participant's goals, achievements and progress during Parent Pathways.

Providers are required to provide high quality support to Parent Pathways Participants, to help them prepare for work and improve skills. Providers are required to tailor support to take account of Participants' individual needs, their family responsibilities, including the care of a child, and other relevant circumstances. Providers are required to build on their goals, progress and achievements in Parent Pathways to ensure the continuity of support in Disability Employment Services.

At the time of attending the Initial Interview, the Participant will be exited from Parent Pathways. The Participant will generally commence in Disability Employment Services following the Warm Handover (if the Participant has chosen this option), and once Providers records attendance at the Initial Interview and the Participant has an approved Job Plan.

Referral

Overview

This section of the *Eligibility, Referral and Commencement Guidelines* specifies a provider's responsibilities and required actions for receiving Referrals of eligible job seekers.

Referral

A job seeker cannot be Commenced in DES until they have been validly Referred to the Disability Management Service (DES-DMS) or the Employment Support Service (DES-ESS).

Unless the job seeker is ESAt/JCA exempt as described in the Eligibility section of these Guidelines, a job seeker must have a recommended service Referral to DES-DMS or DES-ESS in a Valid ESAt or JCA, conducted after any DES Period of Service the job seeker may previously have completed. Job seekers who are ESAt/JCA exempt do not need a service referral.

A Referral connects a job seeker with a particular provider of the recommended DES service, and is usually made by an Assessor as part of the ESAt/JCA containing the service recommendation. Referrals can also be made by other Services Australia staff, the Department (DSS), the National Customer Service Line (NCSL), Workforce Australia Services providers or other DES providers, using a Valid ESAt/JCA service referral.

A job seeker can also Refer them self to a particular provider through Direct Registration.

- If the job seeker has a Valid ESAt/JCA with a recommended referral to the DES service delivered by that provider, the provider can undertake any required eligibility checks and then Commence the job seeker if they are eligible.
- If the job seeker does not have a Valid ESAt/JCA, the provider can refer the job seeker to an ESAt/JCA to determine the job seeker's eligibility and recommended service referral.

From 1 January 2022, an ESAt assessor may offer a DES-eligible job seeker the option to undertake digital employment services, if they consider the job seeker is able to manage their own job search requirements online.

- Job seekers who accept this offer will be referred to the digital services available through Workforce Australia Online (jobactive Online Employment Services until 30 June 2022) instead of DES. The recommended referral for these job seekers will continue to be DES, and the job seeker can choose to exit digital services at any time and be Referred to their chosen DES provider. After 12 months in digital services, all job seekers whose recommended referral is DES will be Referred to DES.
- Job seekers who do not accept the offer will be Referred to their chosen DES provider.

Participant choice of provider

Job seekers must choose a provider at the referring ESAt/JCA. To inform this choice, Services Australia provides information about the services available in the job seeker's local area. Information is available on the JobAccess website for the job seeker to view, prior to their ESAt or JCA.

Where a Referral is made at another time using a recommended referral in a Valid ESAt/JCA of DES-DMS or DES-ESS, the job seeker must be offered a choice of provider using the same information.

If a job seeker has been referred for an ESAt/JCA after registering directly with a provider and the ESAt/JCA recommends the DES service in which the job seeker has been registered, the job seeker's Referral will normally be to the provider with which they registered. This recognizes that the job seeker has already exercised choice in registering with that provider. However, job seekers can exercise choice of provider at any time and may elect to choose a different provider.

Creating sessions in the Electronic Calendar

A Referral to a provider occurs when a job seeker is referred to an available Initial Appointment in the provider's Electronic Calendar. If a provider has no open Initial Appointments scheduled, a Referral cannot be completed. Provider must therefore manage their own Electronic Calendar to ensure that sufficient Initial Appointment sessions are available to enable Referrals.

Commencement

Overview

This section of the *Eligibility, Referral and Commencement Guidelines* specifies a provider's responsibilities and required actions for Commencing eligible job seekers.

When a job seeker Commences a DES program, they become a participant and their Period of Service commences. Providers also need to Commence delivery of services to an existing participant who transfers to the provider during their Period of Service.

Commencement

A job seeker can be Commenced when:

- the job seeker attends an Initial Appointment with the provider; and
- the Department's IT Systems show the job seeker has a Valid ESAt assessment with a recommended referral to the DES service, or that that job seeker is ESAt/JCA exempt; and
- the Department's IT Systems show the job seeker has a current Referral to the provider; and
- the provider confirms any additional eligibility requirements not confirmed in the ESAt, such as employment hours at commencement; and
- the job seeker signs a Job Plan.

The Job Plan does not need to be signed at the Initial Appointment as job seekers can take some time to think about the plan, as described in the *Job Plan and Scheduling Mutual Obligation Requirements Guidelines*.

DES Specialist Service providers

DES providers contracted as DES Specialist Service providers assist a self-defined group of job seekers (for example, job seekers with hearing impairment, intellectual disability or youth). In accordance with clause 81 of the Disability Employment Services Grant Agreement (DES Grant Agreement), DES Specialist Service providers must not Commence a job seeker who is not a member of the relevant Specialist Service Group for which the provider is contracted to deliver Program Services.

Disability Employment Services Privacy Notification and Consent Form

Where a job seeker is Referred to a DES provider by Services Australia, a *Disability Employment Services Privacy Consent Form* (located on the provider Portal) must be completed and signed by both the job seeker and the provider prior to Commencing the job seeker in DES. The purpose of the form is to notify the job seeker about privacy arrangements in relation to the collection, storage, use and disclosure of their personal information and to gain the job seeker's consent for the provider and the Department to share this information with other parties including other government agencies and employment services providers. This consent form does not need to be completed for job seekers who are Directly Registered as privacy information is included in the DES *Direct Registration Form*, which must be signed by both the job seeker and the provider.

Direct Registration

Where a job seeker directly registers with a provider and the job seeker has a Valid ESAt (containing a recommended referral to DES service delivered by the provider and conducted after any previously completed DES Period of Service), the provider may Commence the job seeker without referring them for another ESAt. A provider must only directly register a job seeker if they have confirmed that the job seeker is not currently Referred to another provider, and that the job seeker meets the relevant eligibility requirements. Where a job seeker requires but does not have a Valid ESAt, a provider must refer the job seeker to a Services Australia Assessor. Refer to the *Direct Registration Guidelines* for more information.

Commencement conditions

Providers must not impose additional terms and conditions on job seekers or participants that compel a person to stay with their organisation, or restrict a person to non-individualised service. Obligations placed on a person must not remove their right to choose and change providers whilst in the Program, nor reduce or restrict their rights under the DES Grant Agreement, DES Program policy, related Australian Government policy or applicable Australian law.

Under clause 15 of the DES Grant Agreement, providers must act in good faith towards the Department and Customers, and in a manner that maintains the good reputation of the Services. Providers must not engage in any practice that dishonestly or improperly manipulates Records, Outcomes or the Services with the effect of maximising payments to, or otherwise obtaining a benefit for, the provider or any other person.

Providers must not offer goods and services to a job seeker or participant unless they are directly related to the DES objectives, or in accordance with the Service Guidelines. This includes, but is not limited to cash, gifts, holidays and non-program related travel and consumer goods (e.g. televisions). Where the goods or services directly obligates and ensures a participant's compliance with a standardised arrangement (i.e. where an arrangement has not factored an individual's personal circumstances or preferences), or obligates a person to remain with a particular provider before they receive what is being offered, the Department considers this to be an inducement.

Furthermore, where the cost of the goods or services is disproportionate to what is reasonable for a person to use in seeking and gaining employment, the Department will regard the goods or services as constituting a gift rather than an employment seeking aid.

A provider must not impose terms and conditions on a job seeker or participant, which are outside the scope of the DES Grant Agreement. Should a provider levy terms and conditions related to the provision of goods and services, they must be on terms that are:

- Reasonable and in the best interests of the job seeker or participant, which do not reduce or restrict their rights under the DES Grant Agreement, DES program policy, Australian Government policy or Australian law;
- Clear, transparent and understandable/plainly evident to the job seeker or participant;
- Reasonable and do not expose the job seeker or participant to costs or liabilities they do not understand or are not able to meet;
- Transparent and not misleading, and must comply with the standards for advertising practices and contractual claims under Australian Consumer Law, which includes information about ownership and further contractual or financial responsibilities.

Should a job seeker or participant decline any such offers or inducements, the Department does not consider these grounds for a provider to refuse accepting and assisting a person.

Providers are encouraged to contact the Department if they are unsure whether a good or service is appropriate.

Process: Creating Appointments to receive Referrals

Who is Responsible:	What is Required:
<p>1. Provider</p> <p>Accesses their Electronic Calendar to create available sessions.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 91 	<p>Providers must ensure they have the correct access levels and security levels to create sessions in their Electronic Calendar on the Department’s IT Systems.</p> <p>Providers should consider the following when deciding on how many sessions to create:</p> <ul style="list-style-type: none"> • the organisation’s Maximum Caseload within the specified Site; • the programs which have been identified by the provider to be delivered at that Site; and • any subcontracting arrangements the provider may have in place.
<p>2. Provider</p> <p>Considers types of sessions to be created.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 91 	<p>Providers must ensure their Electronic Calendar has the following types of available sessions for Services Australia to use:</p> <ul style="list-style-type: none"> • Initial Interview (required for new Referrals); • Re-engagement (including for Reconnections); and • Contacts (which may be booked following a Change of Circumstance Reassessment or a Programs Review). <p>Note: Providers must ensure that their Electronic Calendar always has available Appointments for all of the above session types within the next two Business Days, unless otherwise agreed with the Department.</p>
<p>3. Provider</p> <p>Considers format of sessions to be created and creates session in the provider’s Electronic Calendar.</p>	<p>When deciding on the format of the session the provider should consider whether it is an individual or group session.</p> <p>Note: All sessions will be automatically available for all DES programs delivered at that Site. The session format will default to an individual session.</p>
<p>4. Provider</p> <p>Meets with the job seeker.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 91 	<p>The provider must meet with the job seeker and conduct the Contact, Initial Interview or Re-engagement Appointment at the Appointment time (date) as recorded in the Department’s IT Systems.</p>
<p>5. Provider</p> <p>Records the Appointment result in the Department’s IT Systems.</p>	<p>Appointment results for Initial Appointments must be recorded as soon as possible, and within five days of the Appointment. Appointment results for other Appointments must be recorded on the same day as the Appointment.</p> <p>Appointment results cannot be recorded as ‘attended’ until the job seeker has presented at the time of the Appointment.</p> <p>End of Process.</p>

Process: Referrals to Program Services and conducting an Initial Interview

Who is Responsible:	What is Required:
<p>1. Referrer Job seeker is Referred to provider.</p>	<p>A Referral of an eligible job seeker to a provider can be made by:</p> <ul style="list-style-type: none"> • an Assessor, as part of an ESAt or JCA; • other Services Australia staff, the Department or other employment services providers, at other times; or • a job seeker, who Directly Registers with a provider in accordance with the <i>Direct Registration Guidelines</i>. <p>In this table, the term “Referrer” is used to cover these options.</p> <p>Where a job seeker Directly Registers and is identified as eligible (ESAt/JCA exempt, or has a Valid ESAt with a recommended referral to the DES service), the provider may proceed to the Initial Interview without arranging an ESAt (skip to Step 7).</p> <p>Where a job seeker Directly Registers before their eligibility is confirmed, the provider must send them for an ESAt, but the Assessor would normally Refer the job seeker back to the provider with which they registered (skip to Step 7), unless the job seeker requests another provider during the assessment.</p>
<p>2. Department Department’s IT Systems check existing Referrals.</p>	<p>When a Referral is attempted, the Department’s IT Systems will check the job seeker’s record and determine if the job seeker already has a service referral (ie, is an active participant or exited within the last 13 weeks and is eligible to resume the service).</p> <p>If the job seeker already has a Referral to a provider, the job seeker must remain with that provider unless the provider does not deliver the Program Services required. The job seeker can choose to transfer providers if desired.</p> <p>End process.</p> <p>If the job seeker does not have a current Referral, or the provider does not offer the Program Services required (as a result of a new ESAt or Ongoing Support Assessment), a Referral can proceed.</p>
<p>3. Department Department’s IT Systems display provider list.</p>	<p>The Department’s IT Systems display a list of all providers of the recommended service near the job seeker’s residential address.</p> <p>Note: Only providers with available appointments appear on this list. It is the provider’s responsibility to create sessions at the site level in the Department’s Electronic Calendar.</p>
<p>4. Referrer Provides job seeker with information on available providers.</p>	<p>To enable job seeker choice, Referrers may supply, where available, the following information about DES providers, to assist the participant to make an informed choice:</p> <ul style="list-style-type: none"> • location from the job seeker’s residential address; • performance Ratings for providers; • Specialist Service providers; and • any information provided under local arrangements for job seekers’ information (e.g organisational pamphlets, Fact Sheets, other provider information about Services).

<p>5. Job seeker Selects preferred provider.</p>	<p>Job seeker selects their preferred provider from the available list.</p>
<p>6. Referrer Books the job seeker into an appointment.</p>	<p>The Referrer books an Appointment for the job seeker from the available Appointments in the provider's Electronic Calendar, and notifies the job seeker of the Appointment details.</p>
<p>7. Provider Prepares to conduct the Initial Interview.</p>	<p>Providers will be alerted to Referrals via booked Appointments in their Electronic Calendar.</p> <p>Providers should complete the following pre-interview checks:</p> <ul style="list-style-type: none"> • checking that an ESAt report has been submitted (if one was needed to determine eligibility); • attempting to contact the participant to confirm the appointment via the participant's preferred contact method. The Department's IT Systems will automatically send an Appointment reminder via mobile phone or email, if that is the preferred method of contact – this is not a Notification for the purposes of compliance action; • making arrangements to cater for a job seeker's special needs, if required. If needed, the DES provider is to contact the job seeker to reschedule for a time when the special needs arrangements are available; and • checking previous participation, any ESAt information, Comprehensive Compliance Assessments, and previous Job Plans. <p>Note: Services Australia will only book Appointments with a provider for a time after they expect to have submitted the ESAt report.</p> <p>Providers are required to cater to a participant's special needs and should consider whether any of the following apply to the participant:</p> <ul style="list-style-type: none"> • the need for an interpreter service • a Job Seeker Incident Report (JSIR); • a vulnerability; or • whether the job seeker has a disability requiring assistance (e.g. universal access/wheelchair access).
<p>8. Provider Checks job seeker's eligibility.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 92 	<p>The provider must check to confirm the job seeker meets the eligibility criteria for DES.</p> <p>The provider must also ensure that all information in the Job Seeker Classification Instrument (JSCI) is correct.</p>

<p>9. Provider Undertakes the Initial Interview, provides specific information and develops Job Plan.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 92 <p><i>Document References:</i></p> <ul style="list-style-type: none"> • Job Plan and Setting Mutual Obligation Requirements Guideline 	<p>At the Initial Interview, the provider must:</p> <ul style="list-style-type: none"> • check that they are talking to the correct person; • explain the types of services that may be provided in the relevant Program; • explain the Service Guarantee and the Code of Practice; • explain to a job seeker with Mutual Obligation Requirements their rights and obligations under Social Security Law and the consequences of not meeting their obligations; • explain to a Disability Support Pension (DSP) recipient under 35 years of age who is subject to Compulsory Requirements, their rights and obligations regarding compulsory activities. <p>During the Initial Interview, the provider must negotiate a Job Plan with each job seeker, which includes any Interventions required at that point. The Initial Interview must be conducted face-to-face. The provider should discuss with the job seeker, which mode of contact the job seeker prefers to receive services.</p> <p>Providers may choose to complete the appropriate résumé summary fields in the Department’s IT Systems.</p> <p>For Parent Pathways participants who attend the Initial Interview with their Parent Pathways Mentor, Providers are required to facilitate a Warm Handover. This includes taking account of, and building on, job seekers’ goals, progress and achievements in Parent Pathways when negotiating the Job Plan and identifying suitable activities.</p>
<p>10. Provider Records attendance at Initial Interview on the Department’s IT Systems.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 92 	<p>Provider confirms attendance at the Initial Interview by recording that the Initial Interview was ‘attended’ by the job seeker in the Electronic Calendar in the Department’s IT Systems.</p>
<p>11. Provider Records completion of the Initial Interview.</p> <p><i>Grant Agreement Reference:</i></p> <ul style="list-style-type: none"> • Clause 92 	<p>A job seeker can be Commenced into DES when:</p> <ul style="list-style-type: none"> • a result of “Attended” is recorded at the initial interview; and • the Job Plan has been approved by the provider or agreed online (via the Job Seeker Dashboard through the Workforce Australia website or the Job Seeker App) by the job seeker. <p>Once the above has occurred the Department’s IT Systems will automatically Commence the job seeker as a DES participant. If the job seeker is not auto-Commenced after the above processes are complete, the Department’s IT Systems will generate an error message, which will need to be actioned by the provider.</p> <p>Ideally, the job seeker will be Commenced at the Initial Interview. If not, the job seeker must be Commenced within five Business Days of Referral or Direct Registration. The participant’s Period of Service starts at this point.</p> <p>The provider should contact the Department if a participant on their caseload has been incorrectly Commenced.</p>

	<p>Note: Every endeavour must be made to Commence the job seeker within five Business Days. For those job seekers who Directly Register and must be referred to an ESAt before Commencement, every endeavour must be made to Commence the participant within five Business Days of the ESAt being submitted.</p>
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Where exceptional circumstances exist where the DES provider is unable to Commence a job seeker within five business days, the provider must keep adequate documentary evidence for the reason/s.

Attachment A - DES TRWC 0-14 and PCW 0-14 provider Action Matrix

This table shows the actions available to providers when:

- Jobseekers are Referred to DES with a Temporary Reduced Worker Capacity of 0-14 hours (TRWC 0-14) or Partial Capacity to Work of 0-14 hours (PCW 0-14)
- Participants are reassessed during their DES Program as TRWC 0-14 or PCW 0-14

Generally, PCW 0-7 jobseekers are ineligible for DES. All PCW 8-14 and TRWC 0-14 participants are automatically suspended on a provider’s caseload and may choose to Volunteer for DES.

	Partial Capacity to Work		Temporary Reduced Work Capacity	
At Referral (not yet Commenced)	PCW 0-7	PCW 8-14	TRWC 0-7	TRWC 8-14
Person eligible to Volunteer?	No	Yes	No	Yes
If wishes to Volunteer	NA	Commence	NA	Commence
If does not wish to Volunteer	NA	Exit	NA	Exit
Assessed during the Program	PCW 0-7	PCW 8-14	TRWC 0-7	TRWC 8-14
Person eligible to Volunteer?	No	Yes	Yes (at provider’s discretion)	Yes
If wishes to Volunteer	Exit	Enter Volunteer period	Enter Volunteer period (at provider’s discretion)	Enter Volunteer period
If does not wish to Volunteer	Exit	Exit	Remain suspended	Remain suspended